

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CONCILIATION CONFERENCE MINUTES**

**Conciliation Conference:**

Debtor: Theresa J. Fullerton

Case Number: 18-10948-TPA (Chapter 13)  
Date / Time / Room: 05/05/2020 09:30 am / Bankruptcy Courtroom  
Hearing Officer: CHAPTER 13 TRUSTEE

**Matter:** #38 - Trustee's Certificate of Default to Dismiss  
#42 - Amended Plan dated 3/30/2020 (FC)

**Appearances:**

Debtor:  
Trustee:  
Creditor:

Herman

Winnecour / Katz / DeSimone

**Proceedings:**

Recommended Outcome:

1. ☐ Case Converted to Chapter 7
2. ☐ Case Converted to Chapter 11
3. ☐ Case Dismissed without Prejudice
4. ☐ Case Dismissed with Prejudice
5. ☐ Debtor is to inform Court within \_\_\_\_\_ Days their preference to Convert or Dismiss
6. ☐ The plan payment/term is increased/extended to \_\_\_\_\_, effective \_\_\_\_\_.
7. ☐ Plan/Motion continued to \_\_\_\_\_ at \_\_\_\_\_.
8. ☐ An Amended Plan is to be served on all creditors and certificate of service filed by  
Objections are due on or before \_\_\_\_\_.  
A hearing on the Amended is set for \_\_\_\_\_ at \_\_\_\_\_.
9. ☐ Other:

Trustee's COD / Motion to Dismiss  
at Doc # 38 is resolved by  
proposed Confirmation of Debtor(s)  
Amended Plan ~~proposed~~

**For Judge Agrees**

Student Loan Deb reflecting plan changes plan payment on student loan debt differs in any  
respect to that of the unsecured debt in the case, describe such differences and reasons for disparate treatment:

CONFIRMATION ORDER TO BE ENTERED

**FULLERTON, THERESA J.**

Case No. **18-10948** TPA

Debtor(s)

Chapter 13 Plan dated

3/30/20

Issued per the **May 5, 2020** Proceeding

Next Hearing Date: \_\_\_\_\_

& time: \_\_\_\_\_

☐ No Changes

☒

A. For the remainder of the Plan term, the Plan payment is amended to be \$ 4858 as of 5/20 Debtor(s)' counsel shall file a motion to amend the income attachment order within five (5) days of the date of this Order.

☐

B. The length of the Plan is increased to a total of \_\_\_\_\_ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.

☐

C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees.

☐

D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.

☐

E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the plan.

☐

F. \_\_\_\_\_ shall be paid monthly payments of \$ \_\_\_\_\_ beginning with the Trustee's \_\_\_\_\_ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the fifth distribution level.

☒

G. Fee application needed if fees (including retainer) exceed ~~\$2,000/\$2,500~~. \$4000

☒

H. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the debtor(s) successfully objects to the claim:

Marquette Savings Bank (LL # 3, 4 & 5) Nationstar (LL #6)

☒

I. Additional Terms:

(1) Erie County TCB paid per plan at statutory interest

(2) The secured claim(s) of the following creditors shall govern as to claim amount; to be paid at the modified plan interest in a monthly amount to be determined by Trustee to pay in full:

Thomas Horvath (LL #7-2)

(3)

No further payments to secured/priority part of following claims because of: surrender of collateral in plan / ~~Trustee receipt of notice that claim has been paid / other.~~

All prior payments ratified and confirmed:

PNC (LL #11)